

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAUL BARRACLIFFE, II,

Plaintiff,

VS.

SNOHOMISH COUNTY SHERIFF ADAM FORTNEY, and his marital community; et al.

Defendants.

NO. C20-1024-RSL

JOINT STIPULATED MOTION AND
ORDER REGARDING DEADLINE FOR
EXPERT REPORTS

COMES NOW Plaintiff, by and through his counsel Ada Wong, Jordan Wada, and Isabel Johnson; Defendants Snohomish County and Sheriff Adam Fortney, Deputy Nathan Smith, Deputy Jason Harris, Deputy Ronald Smarr, by and through their counsel Deputy Prosecuting Attorneys Margaret Duncan and Deborah Severson; and Defendants Matthew Boice and Arthur Wallin, by and through their counsel Shannon Ragonesi and Paul Triesch; and hereby jointly move the Court to extend the current deadline for reports from expert witnesses under FRCP 26(a)(2) from July 7, 2021 to August 6, 2021.

The necessity of this joint stipulated motion results from the following facts:

1. Plaintiff's complaint was filed July 1, 2020. Discovery cut off is September 5, 2021.

Expert witness reports are due July 7, 2021.

JOINT STIPULATED MOTION AND [PROPOSED] ORDER
REGARDING DEADLINE FOR EXPERT REPORTS - 1
C20-1024 RSI

**SNOHOMISH COUNTY
PROSECUTING ATTORNEY - CIVIL DIVISION**
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- 1 2. On October 9, 2020, Defendant Snohomish County served its First Interrogatories and
2 Requests for Production of Documents on Plaintiff. That discovery included requests
3 that Plaintiff identify all claimed injuries as a result of the incident alleged, identify
4 all providers from whom he has received evaluation or treatment for a period of ten
5 years, and provide copies of records from those providers. In response, Plaintiff
6 identified four providers.
7
- 8 3. On January 8, 2021, Plaintiff, and counsel for the other parties, cooperatively
9 stipulated to a release of the records for the four providers identified by Plaintiff in
10 discovery, as well as other providers learned of through Defendant's own
11 investigation. Defendant has received a portion of the records from providers in the
12 stipulated release. A review of those records received to date has identified other
13 providers not previously identified by the Plaintiff in his discovery responses.
14 Defendant has requested that Plaintiff stipulate to release records of those providers
15 not previously identified in discovery. Plaintiff is in the process of obtaining those
16 records.
17
- 18 4. In Plaintiff's January 26, 2021 Initial Disclosures production, Plaintiff produced 140
19 pages of medical records that were in his possession. Plaintiff produced additional
20 medical records in his February 22, 2021 supplemental production, March 25, 2021
21 supplemental production, and April 6, 2021 supplemental production.
22
- 23 5. Plaintiff continues to collect, but has not yet received, all of his relevant medical
24 records, and his diligent efforts to obtain those records is ongoing.
25
- 26
- 27

1 6. At the request of counsel for the County, and after two separate conferences of
2 counsel, on February 24, 2021, Plaintiff served Third Supplemental Responses to the
3 County's discovery requests. In the Third Supplemental Responses, Plaintiff claims
4 "trauma to his brain, brain damage, psychological distress, post-traumatic stress
5 disorder, worsening of his bipolar disorder, worsened feelings of
6 detachment/estrangement from others, paranoia, exaggerated started response to
7 certain movements and noises, hypervigilance, strong negative feelings including but
8 not limited to depression, suicidal thoughts, guilt, and other self-directive negative
9 ideations", together with other physical injuries as a result of the incident alleged in
10 the complaint. In 2008, prior to the 2018 incident that is the subject of this action,
11 Plaintiff suffered a traumatic brain injury (TBI) for which he received medical
12 evaluation and treatment.

15 7. Defendants continue to collect, but have not yet received, all of Plaintiff's relevant
16 medical records despite their diligent efforts to obtain those records, including records
17 regarding Plaintiff's prior evaluation and treatment for the 2008 TBI. Medical records
18 not yet received may reveal additional providers, requiring Defendants to seek
19 additional releases for those records.

21 8. Defendant Snohomish County has retained medical experts. Those experts have
22 requested copies of Plaintiff's records, including the records relating to Plaintiff's TBI
23 in 2008. Because of the delay in receipt of Plaintiff's medical records, Defendant's
24 medical experts are unable to provide written reports by the July 7, 2021 deadline.

1 As this is a joint stipulated motion, the parties have conferred regarding the contents of
2 this motion, and all parties are in agreement that the above factors meet the good cause
3 requirement established in the rules and the Court's Minute Order for Setting Trial Date and
4 Related Dates for amending a court's scheduling order and request an order be entered extending
5 the deadline for reports from expert witnesses under FRCP 26(a)(2) from July 7, 2021 to August
6 6, 2021.

9 DATED this 15th day of April 2021.

10 AKW LAW, P.C.

12 By: /s/Jordan T. Wada
13 Ada K. Wong, WSBA #45936
14 Jordan T. Wada, WSBA #54937
15 *Attorneys for Plaintiff Paul Barracliff II*

DATED this 15th day of April 2021.

ADAM W. CORNELL
Snohomish County Prosecuting Attorney

By: /s/Margaret A. Duncan
MARGARET A. DUNCAN, WSBA #47876
DEBORAH A. SEVERSON, WSBA #35603
Deputy Prosecuting Attorneys
*Attorneys for Defendants Snohomish County,
Adam Fortney, Jason Harris, Nathan Smith
and Ronald Smarr*

17 DATED this 15th day of April 2021.

19 KEATING, BUCKLIN &
20 McCORMACK, INC., P.S.

21 By: /s/Shannon M. Ragonesi
22 Shannon M. Ragonesi, WSBA #31951
23 Paul J. Triesch, WSBA #17445
24 *Attorneys for Arthur Wallin and Matthew
Boice*

DATED this 16th day of April 2021.

LAW OFFICE OF ISABEL JOHNSON,
PLLC

By: /s/Isabel S. Johnson
Isabel S. Johnson, WSBA #54265
Co-Counsel for Plaintiff

ORDER

THIS MATTER having come before the undersigned judge of the above-entitled Court, and based on the foregoing parties' Joint Stipulation, presented to this Court pursuant to LCR 7(d)(1) and 10(g), now, therefore:

IT IS HEREBY ORDERED that the deadline for reports from expert witnesses under FRCP 26(a)(2) is extended from July 7, 2021 to August 6, 2021.

DATED this 20th day of April, 2021.

Mr S Lasnik
ROBERT S. LASNIK
United States District Judge